

**OPINION
57-142**

May 15, 1957 (OPINION)

PLUMBING BOARD

RE: Installation of Water Softeners are Proper Subject for Regulation

In your letter of April 30, 1957, a request was made for an opinion relative to the question of whether water softeners could be included in the state plumbing code.

On December 12, 1949, this office issued an opinion stating in effect that it was our belief that water softeners could not be included in the state plumbing code. At that time, this office could not perceive how the installation of water softeners could affect the health, welfare, and safety of the public.

You state in your letter that section-74 of the state plumbing code which requires that a three fourths inch pipe be used for service pipes has been many times violated by the use of one half and three eighths inch pipes in the installation of water softeners. You also state that this could be and is a dangerous condition in that the use of smaller pipes may prevent proper flushing and may also cause back-siphonage if proper volume and pressure are not maintained.

On the basis of this new information, and the facts as experienced by you, this office deems that the installation of water softeners is an item of plumbing that does affect the health, welfare, and safety of the public.

It is, therefore, our opinion that water softeners are included in the definition of plumbing as stated in section 43-1801(4) of the N.D.R.C. of 1943. It is also our opinion that the state board of plumbing may include water softeners in the state plumbing code under the authority granted in section 43-1809 of the N.D.R.C. of 1943.

LESLIE R. BURGUM

Attorney General